

**MINUTES OF THE
GREENSBORO ZONING COMMISSION
AUGUST 14, 2006**

REGULAR MEETING

A regular meeting of the Greensboro Zoning Commission was held on Monday, August 14, 2006 at 2:00 p.m., in the City Council Chambers, Second Floor, Melvin Municipal Office Building. Members present were Chair Gary Wolf, Tony Collins, Paul Gilmer, Zack Matheny, Evelyn Miller, Bill Schneider, Portia Shipman, Susan Spangler and Kevin Wright. Bill Ruska, Zoning Administrator, and Ben Woody represented the Planning Department. Blair Carr, Esq., represented the City Attorney's office. Carrie Reeves represented the Department of Transportation (GDOT).

Chair Wolf welcomed everyone to the Zoning Commission regular monthly meeting. He explained the procedures of the meeting and how any appeals may be made as to any Commission decision.

APPROVAL OF THE MINUTES OF THE JULY 10, 2006 REGULAR MEETING.

Mr. Gilmer moved approval of the minutes of the July 10, 2006 meeting as written, seconded by Mr. Matheny. The Commission voted 8-0 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Matheny, Miller, Schneider, Spangler, Wright. Nays: None.)

AGENDA ADJUSTMENTS

Chair Wolf said there is a request to continue Item I.

Milton Kern, 5500 Old Brandt Trace, represented Bob Isner on Item I. They are redoing all of their plans down in that area because of the apartments and some of the surrounding property that has not been purchased yet. Until they get all of that finalized, they do not want to proceed with the rezoning request. He asked for a continuance for one month.

Mr. Collins moved to continue Item I, an ordinance rezoning property at Gorrell and King Streets, to the September 2006 meeting, seconded by Mr. Gilmer. The Commission voted 8-0 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Matheny, Miller, Schneider, Spangler, Wright. Nays: None.)

PUBLIC HEARINGS:

- A. AN ORDINANCE REZONING FROM RS-40 RESIDENTIAL SINGLE FAMILY TO CONDITIONAL DISTRICT - GENERAL BUSINESS WITH THE FOLLOWING CONDITIONS: 1) NO EXTERIOR BUILDING WALLS SHALL HAVE EXPOSED (WHETHER PAINTED OR UNPAINTED) CONCRETE CINDER BLOCK (THOUGH ARCHITECTURAL CONCRETE BLOCK PRODUCTS SHALL BE PERMITTED), VINYL SIDING, OR WOOD BOARD SIDING. 2) NO USE OF THE PROPERTY SHALL ALLOW FOR ANY OUTSIDE STORAGE, HOWEVER, A LANDSCAPE GARDEN CENTER SHALL BE PERMITTED. 3) NO SEXUALLY-ORIENTED BUSINESS WILL BE PERMITTED. 4) NO OUTDOOR BILLBOARD ADVERTISING SHALL BE PERMITTED. 5) PYLON SIGNAGE SHALL BE LIMITED TO NO MORE THAN TWO [2] SIGNS WHOSE HEIGHT SHALL NOT EXCEED THIRTY (30) FEET EACH - ALL OTHER SIGNAGE SHALL BE MOUNTED TO BUILDINGS. - FOR A PORTION OF THE PROPERTY LOCATED ON THE WEST SIDE OF JEFFERSON ROAD BETWEEN NEW GARDEN ROAD AND BRYAN**

BOULEVARD - FOR KRUSCH CAPITAL HOLDINGS, LLC. (APPROVED)

Mr. Woody presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Chair Wolf opened the public hearing.

Jim Phillips, Esq., P.O. Box 26000, Greensboro, NC 27420, pointed out that the subject property is road locked and is a small piece of property bounded by very busy interchanges and highways on all sides. The only use that makes sense here is a commercial use. The developer is Eddie Krusch. He named other projects that Mr. Krusch had developed. They are in the early process of planning development of this project. The development will be less intense than the traffic study because they took the most intense uses they could imagine to create the worse case scenario for the traffic study. They feel commercial use is the only viable use for the subject property.

Edward Krusch, 509 South Edgeworth Street, referred to previous projects that he had developed in the City. He felt the only viable use of this property is for commercial development. He said the DOT right-of-ways and topography would limit the amount of usable square footage. He would build an access road to the project and will consult with GDOT on this access.

Chair Wolf and Mr. Krusch discussed the types of signage applicable to the property. Mr. Krusch agreed to add a condition to his request regarding signage.

Mr. Collins moved to amend the request by adding Condition 6: No pylon sign at Bryan Boulevard ramp or southern portion of property, seconded by Mr. Gilmer. The Commission voted 9-0 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Matheny, Miller, Schneider, Shipman, Spangler, Wright. Nays: None.)

Commissioner Shipman arrived at 2:19 p.m. and participated in the balance of the meeting.

There was no one present to speak in opposition to the request. Chair Wolf closed the public hearing.

Mr. Ruska said staff was generally supportive of this rezoning application. As noted in the staff report, a couple of issues were raised with regard to both the potential designation of Bryan Boulevard as a Scenic Corridor, as well as the fact that this property was located in a mixed use commercial generalized future land use. With regard to the Bryan Boulevard Scenic Corridor Study, the height of signs is a very important consideration. This property has a unique location and is sandwiched between two major thoroughfares. It is in a mixed-use commercial area. When there are such designations, staff has been trying to obtain conditions that would lead to coordinated and complimentary building materials being used throughout the development; that the walls or exterior facades would receive certain articulation; that interior pedestrian circulation would be provided for and, where appropriate, parking controls along the major thoroughfare. Staff hopes that these issues, if they cannot be addressed as conditions in this application, will be addressed at the site plan stage. Staff recommends in favor of this request.

Mr. Gilmer said the Greensboro Zoning Commission believes that its action to approve the zoning amendment, located between New Garden Road and Bryan Boulevard from RS-40 to CD-GB, to be consistent with the adopted Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest for the following reasons: It is generally consistent with the Mixed Use Commercial land use category indicated for this site on the Connections 2025 Generalized

Future Land Use Map; it promotes compact development; and it ensures that adequate land is zoned for the various stages of business development. Ms. Miller seconded the motion. The Commission voted unanimously 9-0 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Matheny, Miller, Schneider, Shipman, Spangler, Wright. Nays: None.)

B. AN ORDINANCE REZONING FROM GENERAL BUSINESS TO CONDITIONAL DISTRICT - GENERAL OFFICE MODERATE INTENSITY WITH THE FOLLOWING CONDITION: 1) USES: LIMITED TO A GROUP CARE FACILITY. - FOR A PORTION OF THE PROPERTY LOCATED ON THE NORTH SIDE OF AMERICAN LEGION STREET BETWEEN CAMPBELL STREET AND FAIRVIEW STREET - FOR SUMMIT HOUSE, INC. (APPROVED)

Mr. Woody presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Chair Wolf opened the public hearing.

Patrick Kane, Esq., 300 North Greene Street, represented Summit House. He said Jackie Nelson, chair of the Summit House Board of Directors, Stephanie Whitehurst, the Executive Director of Summit House and James Roach of Roach Realty were also present. He explained that Summit House is a non-profit organization that offers an alternative to incarceration for non-violent female offenders with young children. It is an opportunity to keep young families intact. Due to licensing requirements, Summit House was forced to sell its facility and plans to build a new facility on the two lots at issue here today so it can continue to serve the Greensboro community. He handed up additional photos for the Commission's consideration and explained what each depicted. The new facility will be compatible to other houses surrounding it. Summit House is requesting the down zoning of the property, which is conditioned so that the sole use of the property will be a group care facility. This down zoning is consistent with the classifications for the area on the GFLUM, which are low residential and industrial/corporate park. Summit House is temporary housing and has an 18 to 24 month program for these women and their families. As now planned, the facility would be approximately 9,700 square feet and will house eight women with their children.

Speaking in opposition to the request was Mary Hess, 1114 14th Street. Her concern is the neighborhood a block away and what happens to this property with a designation as group home. If Summit House should choose to leave, what kind of facility would be allowed in there? There are no sidewalks in the area and the closest bus stop is treacherous.

Mr. Ruska confirmed that any type group home could be located in the facility under the new zoning.

In response to a request from Chair Wolf, Mr. Kane said the facility would be used as a residence for these women. It will be just like any residential home where people will come and go when they have to go to their job or to do anything in the community. A staff member will accompany the residents during the first part of their stay. There is 24-hour supervision at the home. The way people come to Summit House is through the Court System. They have to be recommended for this program, at which point if they satisfy all of the conditions, they will come to Summit House.

Jackie Nelson, chair of the Summit House Piedmont Board, 122 North Elm Street, said included in the plan would be their office, which will be in the same facility as the residents. The residents will

come to Summit House as part of their probation and placement is through the Court System. They had been in their old facility since 1987.

Chair Wolf closed the public hearing.

Mr. Ruska said the zoning pattern for this immediate area has remained very stable over the years. The relationship of commercial, office, multifamily and heavy industrial zoning districts has not changed since the implementation of the Unified Development Ordinance (UDO). This down zoning from a commercial district to an office district is compatible with existing general office zoning south of American Legion Street. Furthermore, it offers a transitional district between the existing general business zoning and the residential areas to the west. This request is consistent with both the low residential and industrial/corporate park classifications on the GFLUM of the Comp Plan. Low residential provides for small supportive uses that are not always depicted on the GFLUM. This request, furthermore, meets both the reinvestment and infill goal of the Comp Plan, as well as the community facilities goal. Staff does recommend in favor of it.

Mr. Matheny said the Greensboro Zoning Commission believes that its action to approve the zoning amendment, located on American Legion Street from GB to CD-GO-M, to be consistent with the adopted Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest for the following reasons: It is generally consistent with the Low Residential and Industrial/Corporate Park land use categories indicated for this site on the Connections 2025 Generalized Future Land Use Map; it promotes sound investment in the city's urban area; and it provides a community facility and service to meet citizens' needs. Ms. Spangler seconded the motion. The Commission voted unanimously 9-0 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Matheny, Miller, Schneider, Shipman, Spangler, Wright. Nays: None.)

C. AN ORDINANCE REZONING FROM RS-9 RESIDENTIAL SINGLE FAMILY TO RS-7 RESIDENTIAL SINGLE FAMILY - FOR A PORTION OF THE PROPERTY AT THE SOUTHEAST QUADRANT OF INDEPENDENCE ROAD AND DELLWOOD DRIVE - FOR SHANE WHITMAN. (APPROVED)

Mr. Woody presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Chair Wolf opened the public hearing.

Shane Whitman, 12 Heathrow Court, said he grew up in this area and was a second time investor in this area. They talked personally with nearly all the neighbors of the request and received 100 percent approval there. Most of the lots that run south down the Dellwood side are about the same size as the proposed lots. Their proposed new homes should provide a transition from the larger homes seen on Independence Court, which are 3,000 and 4,000 square foot homes down to some of the smaller, medium size homes that range anywhere from 1,100 up to about 2,500 square feet. These homes will fall basically in the middle of that. They feel the rezoning of the property is a win/win situation for everyone.

There was no one present to speak in opposition to this request. Chair Wolf closed the public hearing.

Mr. Ruska said this request will result in the replacement of one duplex with two single family

detached dwellings on essentially 50-foot wide lots. In the staff report, they did an analysis of lot sizes in the area. He would not go into that in detail, with the exception that the area has both 60 and 50-foot wide lots within a reasonable distance of the subject property. The main difference is that in the minimum lot size since RS-9 and RS-7 both have the same side setbacks of five feet. Staff feels this request is consistent with the low residential designation on the Comp Plan. Staff feels that it does meet other Comp Plan goals such as the housing and neighborhood goals as described in the staff report. Staff recommends approval of the request.

Mr. Schneider said the Greensboro Zoning Commission believes that its action to approve the zoning amendment, located at Independence Road and Dellwood Drive from RS-9 to RS-7, to be consistent with the adopted Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest for the following reasons: It is generally consistent with the Low Residential land use category indicated for this site on the Connections 2025 Generalized Future Land Use Map; it meets the need for decent, affordable housing in stable, livable neighborhoods; and it promotes the diversification of new housing stock to meet the need for suitable housing. Ms. Shipman seconded the motion. The Commission voted unanimously 9-0 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Matheny, Miller, Schneider, Shipman, Spangler, Wright. Nays: None.)

Chair Wolf said Items D and E would be taken together since they are related.

- D. AN ORDINANCE ESTABLISHING ORIGINAL ZONING FROM COUNTY ZONING RM-12-MH RESIDENTIAL MULTIFAMILY TO CITY ZONING CONDITIONAL DISTRICT - HIGHWAY BUSINESS WITH THE FOLLOWING CONDITIONS: 1) USES: ALL THOSE USES PERMITTED IN THE HIGHWAY BUSINESS DISTRICT EXCEPT THE FOLLOWING: LAND CLEARING AND INERT DEBRIS LANDFILLS; BARS; RECREATIONAL USES: BILLIARD PARLORS; BINGO GAMES; CLUBS OR LODGES; COIN OPERATED AMUSEMENTS; FORTUNE TELLERS, ASTROLOGERS; GO-CART RACEWAYS; BUSINESS, PROFESSIONAL & PERSONAL SERVICES: AUTOMOBILE PARKING (COMMERCIAL); COIN-OPERATED LAUNDROMATS; TRUCK DRIVING SCHOOL; TRUCK & UTILITY TRAILER RENTAL & LEASING, LIGHT; RETAIL TRADE: BOAT SALES; TRANSPORTATION, WAREHOUSING AND UTILITIES: BUS TERMINALS; TAXI TERMINALS. 2) THE MAXIMUM SQUARE FOOTAGE OF ANY SINGLE COMMERCIAL USE SHALL BE 60,000. 3) USES THAT INVOLVE OUTDOOR STORAGE OF VEHICLES, EQUIPMENT OR MATERIALS SHALL NOT BE ALLOWED. 4) CINDERBLOCK AND METAL SIDED BUILDINGS SHALL NOT BE PERMITTED. 5) DEVELOPER WILL USE VARIATION, ARTICULATION, FENESTRATION, OR SIGNATURE ARCHITECTURAL ELEMENTS AT A MINIMUM OF 50-FOOT INTERVALS ON BUILDING FACADES TO HELP CREATE THE APPEARANCE OF A LOCAL SERVING COMMERCIAL DEVELOPMENT. THE PROPERTY WILL BE DEVELOPED WITH AT LEAST ONE OF THE FOLLOWING: (A) THE STREET PLANTING YARD SHALL BE A MINIMUM OF 16' WIDE - ADDITIONAL PLANTING RATE; (B) ENTRYWAYS SHALL BE PROVIDED CONSISTING OF A COMBINATION OF SIGNAGE, LANDSCAPING AND/OR ARCHITECTURAL EMBELLISHMENTS THAT MATCH AN ARCHITECTURAL FEATURE OR BUILDING MATERIAL OF BUILDINGS; OR (C) AS AN INTEGRATED MULTIPLE USE DEVELOPMENT. - FOR A PORTION OF THE PROPERTY LOCATED AT THE SOUTHWEST QUADRANT OF INTERSTATE 40/85 AND MCCONNELL ROAD - FOR WINDSOR DEVELOPMENT GROUP, LLC. (RECOMMENDED)**

- E. AN ORDINANCE ESTABLISHING ORIGINAL ZONING FROM COUNTY ZONING RM-12-MH RESIDENTIAL MULTIFAMILY AND REZONING FROM CITY ZONING CONDITIONAL DISTRICT ? HIGHWAY BUSINESS AND CONDITIONAL DISTRICT ? LIGHT INDUSTRIAL TO CITY ZONING CONDITIONAL DISTRICT - LIGHT INDUSTRIAL WITH THE FOLLOWING CONDITIONS: 1) USES: ALL THOSE USES PERMITTED IN THE CORPORATE PARK DISTRICT WILL BE PERMITTED EXCEPT THE FOLLOWING: ACCESSORY USES AND STRUCTURES: RECYCLING COLLECTIONS POINT; OTHER USES: AUTOMOBILE PARKING; CHRISTMAS TREE SALES; TEMPORARY CONSTRUCTION OFFICES, CONSTRUCTION EQUIPMENT STORAGE, REAL ESTATE SALES OR RENTAL OFFICES (THE FOREGOING WILL BE PERMITTED WITH CONCURRENT BUILDING PERMIT FOR PERMANENT BUILDING); TEMPORARY EVENTS, INCLUDING BUT LIMITED TO: ARTS AND CRAFTS SHOWS; CARNIVALS AND FAIRS; CONCERTS, STAGE SHOWS, CONVENTIONS, TRADE SHOWS, OUTDOOR RELIGIOUS EVENTS; OTHER ACCESSORY USES AND STRUCTURES: JUNKED MOTOR VEHICLES; TRANSPORTATION, WAREHOUSE AND UTILITIES: LAND CLEARING AND INERT DEBRIS LANDFILLS, MINOR. 2) ANY OUTSIDE STORAGE SHALL BE SCREENED FROM VIEW FROM ANY PUBLIC ROADS OR RESIDENTIAL AREAS. 3) THAT WITHIN 800 FEET FROM THE SOUTHERN MARGIN OF INTERSTATE 40/85, ALL OF THE REQUIREMENTS OF THE SCENIC CORRIDOR OVERLAY DISTRICT II SHALL BE MET. 4) THERE WILL BE NO CONNECTOR ROAD BETWEEN LAND ROAD AND SOUTHALL ROAD. 5) THERE WILL BE NO ACCESS TO LAND ROAD FROM THE CD-LI DISTRICT. 6) A LANDSCAPED, PLANTED BERM, HAVING AN AVERAGE HEIGHT OF FIVE (5) FEET, WILL BE INCORPORATED INTO THE PLANTING YARD ALONG LAND ROAD. 7) AT THE END OF SOUTHALL ROAD, THERE WILL BE A NATURAL AND UNDISTURBED BUFFER, EXCEPT FOR INSTALLATION OF UTILITIES, APPROXIMATELY 300 FEET (300?) WIDE, STARTING AT THE PROPERTY LINE AT SOUTHALL AND CASTILIAN WAY TO THE CREEK AND 100 FEET (100?) ON THE OTHER SIDE OF THE CREEK. 8) THE PROPERTY OWNER WILL CAUSE THE EXISTING BILLBOARD TO BE REMOVED WITHOUT COST TO THE CITY PRIOR TO THE GRANTING OF A CERTIFICATE OF OCCUPANCY FOR THE FIRST BUILDING ON THE PROPERTY. - FOR A PORTION OF THE PROPERTY LOCATED ON THE SOUTH SIDE INTERSTATE 40/85 BETWEEN YOUNGS MILL ROAD AND MCCONNELL ROAD - FOR WINDSOR DEVELOPMENT GROUP, LLC. (RECOMMENDED)**

Mr. Woody presented a map showing the subject properties, as well as surrounding properties. He also presented slides of the subject properties and noted issues in the staff report.

Chair Wolf opened the public hearing.

Charlie Melvin, Esq., 300 North Greene Street, gave the history of the recent rezoning of some of this property. In February 2005, the City Council approved the annexation and rezoning. Since that time a good deal of work has been going on in McConnell Center. The reason they are back is solely because of the 28 acres presently occupied by the mobile home park. This property has become available and has been put under contract by the developers of McConnell Center. In addition to providing a much better entrance to McConnell Center, it does permit the moving of the CD-HB up close to the intersection of McConnell and the Interstate, which is obviously a much better location for it. The reason they included all of the original part that was rezoning CD-LI was to make a few modifications to the conditions that were imposed at that time. They have consulted with staff on

those and staff concurs with the ones that they had eliminated. The purpose of those conditions was to make this a corporate park type, but still to give some flexibility with an industrial potential for ready-to-go sites that have job creation potential of this type.

Mr. Seymour sent letters to all of the parties that received notice from the City about this pending request and he can describe what they have done to-date and what their plans are for the future and the responses that he has received. The Birmingham Place Mobile Home Park obviously is a consideration and has approximately 75 mobile homes there. North Carolina Law requires that any operator of a mobile home park give at least six months' notice before there is a change in use of that mobile home park. If the Zoning Commission sees fit to recommend the rezoning, this will go to Council in September and if Council approves the annexation and rezoning, then it would be subsequent to that time that the owner and operator of the mobile home park would give the residents there notice of the change in land use. All the present occupants lease their space and own their own mobile home that they keep there. The present owner owns a number of other mobile home parks in this vicinity and indicated that, as a part of giving notice, he would offer some assistance to those persons to give them opportunities to move to other mobile parks that they own or operate in this vicinity. The addition of these 28 acres to McConnell Center will be an invaluable addition.

Buddy Seymour with Windsor Development Group, 2311 West Cone Boulevard, said since they were before the Commission in 2005, they had been working towards developing the infrastructure necessary to fully develop this park. They have been in the planning process for a large shell building over the course of the last year. They went through an erosion plan and have currently graded about a 600,000 square foot building pad in the center portion of the originally rezoned property. They have intentions of moving forward with that project as soon as they can get approval. Part of this request stems from a client that they had come through back in the early part of the year who wanted to do some furniture assembly and wanted to expand outside of the current boundaries of their park. At that point in time, they put under contract Birmingham Place with the intention of locating that client on I-40. While that project did end up relocating through the acquisition of another company to the southwest, they did continue on with procuring the trailer park since it is a very strategic location.

Speaking in opposition was Dean Driver, 4701 Land Road. He said he and his neighbors agreed with the removal of the mobile home park, but were concerned about the change in conditions from the 2005 rezoning. Many of them had invested much time in coming to an agreement for these conditions and wondered why, if they were good in 2005, they should be changed now? He thought they would like to have a dialogue about that in the neighborhood. He said he would love to see a comparison of the two lists since some of them are stated differently now and it is difficult to see exactly what has been changed. He had the list of conditions from 2005 and had that put on the monitor for all to see. He had indicated the conditions that normally would be for LI that had been pulled out specifically for this property. His understanding is that at least some of those types of businesses are now acceptable. The residents thought they had come to an agreement with Windsor Properties as to what was allowed and what was not and now they are opening that can of worms again.

Also speaking in opposition were Eric Raines, 3820 McConnell Road, Lot 78; Kelly Carlton, 3820 McConnell Road, Lots 71 and 72; and Nita Ross, 3820 McDonnell Road, Lot 72. Their complaint was the moving of their homes and finding places for the occupants of the approximate 100 mobile homes. Some of the homes were more than 10 years old and there would be difficulty moving them. Would any type relocation expense be reimbursed? Where would the people move to if it were impossible to move their homes? Most of the mobile home residents owned their homes and would have nothing if they were unable to move their homes. Some of the residents were elderly and had

lived there many years.

Also speaking in opposition was Patricia Stallings, 1600 Kingsman Road, who was concerned about the area at the back of her house. From looking at the map, they are not leaving any land for buffering and will drop right onto her property. She was concerned about runoff or any other industrial damage to her property since there is a stream on her property.

In rebuttal for the applicant, Mr. Melvin said he would address the mobile home park situation first. The owner of the mobile home park will have to address that. On the question of the changes in conditions, as he indicated these were pretty minimal and it was very important to note that this is a Conditional District - LI, but they had not tried to pull in any of the LI uses. The uses in this CD-LI are limited to Corporate Park uses. They felt the current conditions permitted a little more flexibility, but still maintained the limitation that only those uses can go in here that can go into a Corporate Park District.

Also in rebuttal for the applicant, Mr. Seymour said the site Ms. Stallings was describing was on the westernmost part of their property and that was previously contained in their original rezoning request. Each site would have to be approved. There would be a storm water management plan associated with each of those sites. In looking at the topography of that site, it would actually drain back towards the east to an existing stream that would away from her property. He knew they had experienced problems with some residential development behind them and he recognized their concern. He had met with Mr. Stallings once on site in discussion about that, but he understood that an approved site plan would have to be passed by the City prior to any land disturbing activity. There were significant buffers in the conditions that were previously done in 2005, especially the property down the southwest corner of their development. It is an undisturbed area and that is where Southall Road dead-ends. One of the other restrictions was not to have a connector between Land Road and Southall Road. Beyond that, there are other typical buffer requirements that they would have. All of those streams are perennial streams, which would be restricted within 50 to 100 feet on either side of any activity beyond the crossings or maybe some detention ponds.

Mr. Ruska added that the conditions to which Mr. Seymour referred were in the CD-LI listing of conditions as Nos. 6 and 7 and those conditions have not changed over what the original was.

Mr. Seymour said there were six changes in uses and there was also a change in Item 6 where they had certain conditions to access on Hooting Hollow Road, but with the rezoning and working with the GDOT and making additional improvements in that; those were the only two that were changed from the original conditions.

Ms. Shipman said she knew zoning was more concerned about the areas being zoned and whether it qualifies for zoning, but she was concerned about the people who live in the trailer park. She knew that goes with the owner of the trailer park. However, since Mr. Seymour is the developer and he will be going in there and uprooting these people out of their homes where they have been for many years, maybe there is something that the developer can put together with the owner to help these people in their adjustments to other areas. She thought this was a great project for the City of Greensboro, but at the same time when other family lives and peoples' homes are being taken away just for new development, which will be great for the City and community, then they need to look at the families and where they are uprooting them.

Mr. Seymour said he appreciated Ms. Shipman's comments. They had had a number of discussions with the existing owner and operator of the park and do feel like he will work in conjunction with them

and do the best they can. However, it is a change in use. We are not owners or operators of mobile home parks and would not propose to be.

In rebuttal for the opposition, Mr. Driver said that not surprisingly the changes made to the conditions would simply make their property now more lucrative and they have more options for businesses to come in. It seemed to him that the developers were taking this opportunity where this new land was acquired from the mobile home park and they are using it to sweeten their own deal for what they can do with this land. If this change is truly because of this new land that has been acquired, he understood that. Again he would reiterate that this was a process that they had already gone through, people had specific concerns with manufacturers that would produce fumes and that sort of thing that would affect their quality of life. They thought they had settled those arguments and now they feel like it is open again. For the residents, they would like the conditions to be left as they were the last time they went through this.

Chair Wolf reminded the opposition that the uses would be the same as in Corporate Park. Those uses do not tend to give you any obnoxious odors and sounds. So he really thought the developer had protected them with what they brought before the Commission.

Also in rebuttal for the opposition, Ms. Stallings said she was still concerned about what Mr. Seymour was saying. She realized that CD-RS was zoned for housing and that they put a buffer there, which was to the back of her house. But when they did the plant or whatever they are putting there, that is sitting on her line. There is no buffer there. She realized that there was wooded area there below Kingsman Road, but that is her property also. She was looking for something that was going to keep the developer from running off onto her land down there.

Chair Wolf said she did not have to worry about that. You would have a right to go to the City and stop that kind of thing, but he has no right to come down onto her land and she had the right to enforce that.

Mr. Ruska confirmed the property would be subject to the normal buffer requirements of Corporate Park up against residential. It will be a Type A buffer, the 50-foot wide buffer.

Chair Wolf closed the public hearing.

Mr. Ruska said he would be mixing his comments about both Items D and E, although there would have to be a separate vote on them. Most of this property was annexed and originally zoned as of April 30, 2005. That was the effective date when it came into the City and when the zoning was imposed on the property. At that point, roughly 100 acres was originally zoned CD-LI and 11.2 acres zoned as CD-HB. In the Item D proposal, it shifts the initial location for commercial from the 11.2-acre tract south of the subject property to an 11.2-acre tract at its present location. It takes it away from Hooting Hollow Road and orients it more towards the I-40/85/McConnell Road interchange. Staff feels that this is much better location, which will help serve the mixed use corporate park area, as well as nearby neighborhoods, and travelers along the interstate. With regard to the CD-LI request, it is also consistent with the mixed use corporate park classification, which is intended for large tracts of undeveloped land near the City's fringe that are appropriate for well planned, larger scale business and employment parks with supporting uses such as retail, hotels and residential uses. The original zoning is conditioned to meet the Scenic Corridor Overlay District requirements within 800 feet of I-40/85. Getting back to those uses that were eliminated from the current proposal, staff feels that the Scenic Corridor Overlay, as well as the condition about outside storage having to be screened, really

takes care of any concerns that would be associated with those types of CP uses. The original zoning and rezoning requests in both the items meet a number of Connections 2025 economic development goals and policies as described in the staff report. Staff does recommend in favor of both items.

In response to a question from Ms. Shipman, Chair Wolf explained that this would go to Council automatically since it is an annexation as well as original zoning and the Commission would be giving a recommendation.

Mr. Collins said he would recommend the residents of the park spend time talking to their current landlord. To the folks who have concerns, this developer has done very good things in town and usually has good projects. He would say work with them if you have any issues and that they will do that with you. He did not think there was any adverse intent in the few conditions that changed. It was just trying to clean it up a bit. He thought the community would find that the developer would be a good neighbor and will be approachable even after this rezoning occurs.

Ms. Miller said she totally agreed with what Mr. Collins just said. She thought this was a good deal as far as business is concerned. As far as the neighborhood community is concerned, please get with your landlord because she did not feel that six months is enough time for anybody to up and move who has been there for years.

As to Item D, Ms. Shipman said the Greensboro Zoning Commission believes that its action to approve the zoning amendment, located at the southwest quadrant of McConnell Road and I-40/85 from County RM-12-MH to City CD-HB, to be consistent with the adopted Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest for the following reasons: It is generally consistent with the Industrial/Corporate Park land use category indicated for this site on the Connections 2025 Generalized Future Land Use Map; it continues to link City-initiated annexations and approvals of annexation petitions to water/sewer extension policies regarding designated growth areas; it promotes a sound, sustainable pattern of land use for development at the fringe. Mr. Matheny seconded the motion. The Commission voted 9-0 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Matheny, Miller, Schneider, Shipman, Spangler, Wright. Nays: None.)

Ms. Miller moved to approve Item E and said the Greensboro Zoning Commission believes that its action to approve the zoning amendment, located on the south side of I-40/85 from County RM-12-MH and City CD-HB and CD-LI to City CD-Li to be consistent with the adopted Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest for the following reasons: It is generally consistent with the Industrial/Corporate Park land use category indicated for this site on the Connections 2025 Generalized Future Land Use Map; it continues to link City-initiated annexations and approvals of annexation petitions to water/sewer extension policies regarding designated growth areas; and it promotes a sound, sustainable pattern of land use for development at the fringe. Mr. Matheny seconded the motion. The Commission voted unanimously 9-0 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Matheny, Miller, Schneider, Shipman, Spangler, Wright. Nays: None.)

F. AN ORDINANCE ESTABLISHING ORIGINAL ZONING FROM COUNTY ZONING RS-30 RESIDENTIAL SINGLE FAMILY TO CITY ZONING RS-7 RESIDENTIAL SINGLE FAMILY ? FOR A PORTION OF THE PROPERTY LOCATED ON THE WEST SIDE OF OLD RANDLEMAN ROAD BETWEEN INTERSTATE 85 (GREENSBORO URBAN LOOP) AND BLAZINGWOOD DRIVE - FOR BARRY SIEGAL AND WILLARD TUCKER.

(RECOMMENDED)

Mr. Woody presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Chair Wolf opened the public hearing.

Barry Siegal, 3411-D West Wendover Avenue, said they are simply proposing a little single family subdivision, which would be one street and a cul-de-sac. This is a residual piece of property that they had left after DOT acquired the right-of-way for the I-85 Bypass. In order to get to the subdivision, you would come in now off of the newer Randleman Road, come across Kallamdale Road and turn up into Blazingwood. The square footage of the homes will basically be the same as the houses adjacent. They did, in fact, go ahead and write to all the adjoining neighbors and ask them if they had any questions. They had no response from anyone.

Speaking in opposition was Leah Ferguson, Blazingwood Drive. One of the main reasons that she bought the home in which she lives was that it did not back up to another house. It has a wooded area behind it. So she was wondering how close that would be to her property. The trees there also block out a lot of the noise from the highway. She was wondering about that change with the construction there.

In rebuttal for the applicant, Mr. Siegal said he would do his best, but they had not engineered the subdivision yet. Basically all of the lots would be at least the equivalent of the lots in terms of size that Ms. Ferguson has, in terms of the depth. There would be houses on both sides. On one side would be the cul-de-sac coming in and house on the other side of the cul-de-sac. So in fact her home would back up to another home. There would be the street and then there would be another home on the other side of the street. With respect to the number of trees that would be removed, he was sorry, but he really could not tell her at this point in time. Some of that will not get sorted out until the grading plans are worked out and until the final engineering is done.

Chair Wolf closed the public hearing.

Mr. Ruska said the original zoning of RS-7 for the 31-acre Fieldstone Subdivision, which is the subdivision to the north of the subject property, was approved by City Council with an effective date of May 31, 1998. A 20.5-acre tract west of Blazingwood Drive was originally zoned to RS-7 by City Council with an effective date of April 30, 2003. Thus the RS-7 has been established as the zoning pattern for this immediate area west of Randleman Road and north of I-85. This property is within the Tier 1 Growth Area on the Growth Strategy Map of Connections 2025. The request is consistent with mixed use residential. A portion of the tract is also in the mixed-use commercial land use classification and it is also consistent with that designation since residential uses are complimentary to a mix of uses. This proposal is consistent with Comp Plan policies promoting compact development, promoting mixed income neighborhoods and promoting the diversification of new housing stock. Staff does recommend in favor of this.

Mr. Matheny said the Greensboro Zoning Commission believes that its action to approve the zoning amendment, located west of Old Randleman Road from County RS-30 to City RS-7, to be consistent with the adopted Connections 2025 Comprehensive Plan and considers the action to be reasonable and in the public interest for the following reasons: It is generally consistent with the Mixed Use

Residential and Mixed Use Commercial land use categories indicated for this site on the Connections 2025 Generalized Future Land Use Map; it promotes compact development; it promotes mixed-income neighborhoods; and it promotes the diversification of new housing stock to meet the needs for suitable housing. Mr. Gilmer seconded the motion. The Commission voted unanimously 9-0 in favor of the motion. (Ayes; Wolf, Collins, Gilmer, Matheny, Miller, Schneider, Shipman, Spangler, Wright. Nays: None.)

Mr., Ruska said he wished to point out something that will be coming your way next month. It will be the very last item on your agenda in September. That is the area that he identified as the right-of-way for several roads that come together in that area. That is also going to be annexed and staff will be suggesting RS-7 original zoning on that. They just were not able to include it for this meeting because the newspaper ad had been published and the public notices had already gone out. So you will be seeing that little triangular area that is essentially NCDOT right-of-way.

Chair Wolf called for a 10-minute break from 3:50 to 4:00 p.m.

G. AN ORDINANCE REZONING FROM CONDITIONAL DISTRICT ? HIGHWAY BUSINESS TO HIGHWAY BUSINESS ? FOR A PORTION OF THE PROPERTY LOCATED ON THE EAST SIDE OF N.C. 68 WEST OF HICKORY RIDGE DRIVE - FOR FRED E. AYERS, JR. (APPROVED)

Mr. Woody presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Chair Wolf opened the public hearing.

Allen Ferguson, Esq., 1713 Madison Avenue, said with him today in support of their petition is Joe Wilson, who is with Yost & Little Real Estate who has been assisting Fred Ayers, who is also here and is the owner of the property. The subject property has been restricted to a family entertainment center. One of the biggest concerns for anything that is done in that area has to do with traffic. Along those lines, they had commissioned a traffic study by John Davenport & Company, which has been submitted. Among the things that it concluded was no improvements were necessary to Hickory Ridge Drive or Hickory Ridge Road. He did foresee that there would have to be some turn lane improvements on NC 68. He has spoken with DOT regarding this and he thought they have some things that could be easily done to accommodate the concerns of the NCDOT. They feel that what they would like to do would be compatible with the current uses on 68.

There was no one present to speak in opposition to this request. Chair Wolf closed the public hearing.

Mr. Ruska said the use of the property is presently restricted to a family entertainment center, including miniature golf, miniature raceways and other outdoor amusements and entertainment with food and beverage sales related thereto, as well as office uses that are permitted in the GO-M District. Staff is recommending in favor of this request for several reasons. The request is compatible with the land use designation of commercial on the GFLUM of the Comp Plan. That designation is the most intensive of the commercial districts that are listed on the GFLUM. The property lies within the NC 68 Scenic Corridor and would be subject to the restrictions that the Corridor imposes, such as a 30-foot wide street planting yard, a screening requirement for parking areas and limited signage. The

property also is located in the area designated as non-residential on the Airport Area Plan Future Land Use Map. Many of the properties in this section of NC 68 were zoned Conditional Highway Business in the past with conditions that related to Scenic Corridor-type restrictions. Now that we have the Scenic Corridor in place, there is no need for those type conditions anymore. Staff recommends approval of this request.

Ms. Miller moved approval. She said the Greensboro Zoning Commission believes that its action to approve the zoning amendment, located on the east side of NC 68 from CD-HB to HB, to be consistent with the adopted Connections 2025 Comprehensive Plan and the Airport Area Plan, and considers the action taken to be reasonable and in the public interest for the following reasons: It is generally consistent with the Commercial land use category indicated for this site on the Connections 2025 Generalized Future Land Use Map and the Non-Residential designation on the Airport Area Plan Future Land Use Map; it promotes a sound, sustainable pattern of land use for development at the fringe; and it ensures that adequate land is zoned and has infrastructure available for the various stages of business development. Ms. Shipman seconded the motion. The Commission voted unanimously 9-0 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Matheny, Miller, Schneider, Shipman, Spangler, Wright. Nays: None.)

H. AN ORDINANCE REZONING FROM RM-18 RESIDENTIAL MULTIFAMILY TO CONDITIONAL DISTRICT - GENERAL BUSINESS WITH THE FOLLOWING CONDITION: 1) ANY USE REQUIRING DRIVE-THROUGH SERVICE OR CONVENIENCE STORES WITH FUEL PUMPS SHALL BE PROHIBITED. - FOR A PORTION OF THE PROPERTY LOCATED AT THE SOUTHWEST QUADRANT OF EAST WENDOVER AVENUE AND WAUGH STREET - FOR WALTER & ELIZABETH BAYNES AND THOMAS & KATHY BAYNES. (RECOMMENDED)

Mr. Woody presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Chair Wolf opened the public hearing.

Allen Ferguson, Esq., 1713 Madison Avenue, said with him was Joe Wilson of Yost & Little Real Estate, who has been assisting the Baynes family. Thomas and Kathy Baynes, owners of the property, were also present. Tom Hester, owner of one of the adjoining properties, is present to briefly speak in favor of their request. City staff recommended a number of conditions on the application. They have discussed these and agree that these are good conditions to put on the rezoning of it. There are 10 of them and they include restrictions regarding which way the building may face on Wendover, how long a blank wall may be; they have agreed to limit that to 30 feet. Everything that is built there has to be of brick and masonry, etc. Those conditions are all okay with the property owners and that is what they would intend to abide by. Their whole approach has been to try to do something that would be good for that neighborhood. They think a rezoning along the lines that they have proposed would constitute an improvement.

He said the list of conditions attached to City's recommendation was the list he was prepared to submit as additional conditions. He said the applicant will add the following conditions: 2) Uses: limited to all uses permitted in the LB zoning district and auto supply sales; 3) Interior pedestrian circulation between the principal buildings and public street shall be provided through the use of clearly defined walkways; 4) Maximum of one (1) double bay of parking shall be permitted between

the principal building and street rights-of-way; 5) Building shall be oriented toward street frontages; 6) No structure shall exceed two (2) above ground stories in height; 7) Expanses of blank walls shall not exceed 30-feet in length without fenestration or architectural features; 8) The exterior of all structures shall be constructed primarily of brick or masonry building materials; 9) Freestanding signage shall be limited to monument-type signage, not to exceed 15-feet in height; 10) (Outside storage of vehicles or equipment shall be prohibited; 11) Exterior lighting fixtures shall be a maximum of 15-feet in height.

Mr. Matheny moved that the additional conditions as stated be accepted, seconded by Ms. Shipman. The Commission voted unanimously 9-0 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Matheny, Miller, Schneider, Shipman, Spangler, Wright. Nays: None.)

Tom Hester, real estate appraiser in Raleigh, 1620 Hillsborough Street, Raleigh 27605, said his family had invested in that community and neighborhood for over 50 years and the Baynes family has also been in the neighborhood that long. His family operates a childcare center there and it is a small center, but very stable. Their staff and customers live in the community. They think that this rezoning will promote new investment in the neighborhood. He thought that would be a good thing for the neighborhood. Any economic development should help stabilize and improve the livability of the neighborhood. They are in favor of this rezoning.

There was no one present to speak in opposition to this request. Chair Wolf closed the public hearing.

Mr. Ruska said initially the staff was inclined to recommend denial of this. The overall character of this area is not appropriate for large-scale commercial development or large scale uses. The zoning in this area has remained very stable over the years. However, with the conditions that the applicant has added to this rezoning request, staff is going to recommend in favor of it. This puts it more in line with limited business-type of zoning, which is oriented toward neighborhood-type uses and serving neighborhoods. They do feel that the conditions make a world of difference in this regard and they do recommend in favor of this.

Mr. Gilmer said the Greensboro Zoning Commission believes that its action to approve the zoning amendment, located on East Wendover Avenue and Waugh Street from RM-18 to CD-GB, to be consistent with the adopted Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest for the following reasons: It promotes sound investment in Greensboro's urban areas (Reinvestment/Infill Goal); it promotes new patterns and intensities of use to enhance quality of life in urban areas; and it improves design standards for new development to enhance community appearance. Mr. Matheny seconded the motion. The Commission voted unanimously 9-0 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Matheny, Miller, Schneider, Shipman, Spangler, Wright. Nays: None.)

I. AN ORDINANCE REZONING FROM LIGHT INDUSTRIAL TO CENTRAL BUSINESS - FOR A PORTION OF THE PROPERTY LOCATED AT THE NORTHEAST QUADRANT OF GORRELL STREET AND KING STREET - FOR ROBERT ISNER. (CONTINUED)

This item was continued at the beginning of the meeting.

J. AN ORDINANCE ESTABLISHING ORIGINAL ZONING FROM COUNTY ZONING AGRICULTURAL TO CITY ZONING CONDITIONAL DISTRICT - RM-12 WITH THE

FOLLOWING CONDITIONS: 1) USES LIMITED TO TOWNHOMES OR CONDOMINIUMS FOR SALE. 2) NO STRUCTURE SHALL EXCEED 3 ABOVE GROUND STORIES IN HEIGHT. 3) MAXIMUM OF 8 UNITS. - FOR A PORTION OF THE PROPERTY LOCATED ON THE NORTHWEST SIDE OF LAKE JEANETTE ROAD BETWEEN ROBERSON COMER ROAD AND BASS CHAPEL ROAD - FOR ROGER D. BYRD. (RECOMMENDED)

Mr. Woody presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Chair Wolf opened the public hearing.

Robert Byrd, 5811 Fleming Terrace Road, said they did bring the subject property in for an RM-8 and it was approved. They were not really aware at the time that the City was going to put a sidewalk out front and it created an encroachment problem with their final unit. They figured it would work better if they just capped it off at 8 and rezoned to CD-RM-12.

There was no one present to speak in opposition to this request. Chair Wolf closed the public hearing.

Mr. Ruska said staff recommended in favor of the previous request, which was for eight units, and nothing has changed. This is conditioned to eight units. It is compatible with the moderate residential land use classification on the GFLUM. It is located in Tier 1 of the Growth Strategy Map and it meets a number of housing and neighborhood type of goals and policies in the Comp Plan. Staff does recommend in favor of it.

Mr. Schneider said the Greensboro Zoning Commission believes that its action to approve the zoning amendment, located on Lake Jeanette Road from County AG to City CD-RM-12, to be consistent with the adopted Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest for the following reasons: It is generally consistent with the Moderate Residential land use category indicated for this site on the Connections 2025 Generalized Future Lane Use Map; it promotes compact development; and promotes mixed-income neighborhoods. Mr. Gilmer seconded the motion. The Commission voted unanimously 9-0 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Matheny, Miller, Schneider, Shipman, Spangler, Wright. Nays: None.)

K. AN ORDINANCE REZONING FROM RS-12 RESIDENTIAL SINGLE FAMILY TO GENERAL BUSINESS - FOR A PORTION OF THE PROPERTY LOCATED NORTH OF WEST NORTHWOOD STREET AND EAST OF HUNTINGTON ROAD - FOR JAMES F. MARSHALL. (DENIED)

Mr. Woody presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

In response to a question from Mr. Gilmer, Mr. Woody said this request is the paved parking lot seen in the rear of the photographs. As a parcel by itself, it does not have any street frontage. It is surrounded by the existing GB zoning of what used to be the Janus Theaters.

Chair Wolf opened the public hearing.

James F. Marshall, 4906 Plateau Court, said this is an interesting piece of property as Mr. Gilmer pointed out. It was part of the Janus Movie Theater and actually this property came up for rezoning 38 years ago and it was endorsed by the Commission and turned down by City Council at that time. The small parcel, which is 18,000 square feet, is part of a 2.24 acre tract that is zoned GB. They have been looking at developing the property for about five years. They have now designed single story retail on the front, which is more of an urbanistic type feel. It has a nice walking area between Northwood Street and the fronts of the buildings. They also have put the parking behind the buildings. The fourth building is a combination of underground parking, of retail on the second level and then four stories of residential above that. The total height of that building is actually 67 feet, which is below high-rise, but is four stories of residential. They have a total of 25 condominium units that will be located in this building. He presented drawings of the retail on the front and the residential in the rear. They have a separate entrance for the residential side and underground parking for the condominiums. It separates the commercial from the residential. This is on the cutting edge of what mixed use is. They were surprised to learn that this small section was not zoned GB, but this will give the Commission an idea of exactly what the retail will look like. Where the driveway goes in, there is actually an easement for the townhouses from Huntington Street that was granted years ago. So this lot has no direct access onto any road. It is part of the other GB zoning.

Speaking in opposition was Tim May, 1108 Dover Road. He presented about 20 letters of opposition of residents to this request. They are not opposed to the development of the property. They are asking that it be done in such a way that will benefit the developer and Greensboro without damaging their neighborhood. The parcel being considered has long served as a protective buffer to the adjacent residential area. Zoning this piece as GB will destroy any buffer that they have. He illustrated for the Commission the area and how it might be affected by this property. He objected to the height and size of the building and the destruction of the buffer to the townhomes.

Counsel Carr said, for the record, the letters the Commission received were not notarized and she would like the Commission to consider that in their decision.

In response to a question from Mr. Gilmer, Mr. May said they were not opposed to the development proposed here a few years ago since it was set entirely on the GB part of the property and did not require the rezoning of this small piece.

Also speaking in opposition was Robert Douglas, 1108-F Dover Road. His concern was the proximity to the residential area. There would only be a 10-foot buffer between their townhomes and the building. He further objected to the traffic increase and the size and height of the building. They feel the property is adequately zoned for any kind of mixed use. They think everything Mr. Marshall has proposed could be accommodated on that property, leaving this buffer between them.

In rebuttal for the applicant, Mr. Marshall said he had met with the owners of the townhouse community and he thought they were supportive until the rezoning came up. Their initial plan was 100,040 square feet and it was placed on that piece of property. There was a parking garage on there that also had residential above it. They think this accomplishes what a mixed-use development is supposed to be. It does form a buffer in between what the old commercial is and they would create new commercial with high-end stores and with good quality residential development.

In rebuttal for the opposition, Mr. May said they had asked about prior opposition to the zoning. He did not live there at that time so when they were talking about whether or not they opposed it, he did

not oppose it. He described what he thought the building was. When Mr. Marshall was talking about sharing plans with them, he was talking about sharing these plans. He brought two photos back and asked the Commission to look at the last two pictures that he had shown them.

Chair Wolf closed the public hearing.

Mr. Ruska said staff does recommend in favor of this rezoning request. It meets the mixed-use commercial designation on the GFLUM. It probably meets it more than anything they have seen in recent months because this is a true vertical mixed use. It meets the reinvestment infill goal of the Comp Plan and a number of the policies that they have included in the staff report. You have to realize that this small parcel that is up for rezoning represents a small fraction of the site that is already zoned GB and would already permit taller buildings, if the applicant so chose to put tall buildings out there. They were a little concerned that if this rezoning were turned down, that this would lead to a redesign of the site and perhaps the applicant not being able to achieve the mix of uses and some of the pedestrian aspects of this that make it such a compelling project. Outside of the downtown, this is one of the few vertical mixed uses that they have seen so far. This is what the Comp Plan is trying to achieve and that is why staff is so supportive of this. Mr. Marshall mentioned that he could build a strip center. That is not the worst example of what could happen under the existing zoning. There is GB there. This site could be chopped up into lots for fast food restaurants. It could be a combination of fast food restaurants and a bank, none of which would be really achieving the mixed-use aspect of the GFLUM, which this project does achieve. He asked the Commissioners to remember that when they take their vote on this because most of the site is currently zoned GB and would already permit even higher buildings than what Mr. Marshall is proposing.

In response to a question from Mr. Collins, Mr. Ruska said the shadowing affect of the this five and almost six stories (with parking underneath) does not play any part in the location of the building with the height it has now. The minimum GB requirements would have to be met. Several speakers have mentioned a 10-foot setback. That is the GB setback for a building. The landscaping part of it would require a Type C planting yard, which is a 20-foot wide planting yard with the appropriate planting rate. However, if the planting yard and the building setback conflict, the building setback is the one that prevails. So again he would point to the fact that the property to the south of Dover Square could already be developed with buildings that are even higher than 67 feet and come within 10-feet of that property line and completely meet the zoning requirements. So they are specifically looking at this from the standpoint of which would you rather see? A development like Mr. Marshall is proposing or it is somehow chopped up into individual commercial lots or a strip center, which would not be as compatible with the neighborhood as what he is proposing.

Chair Wolf said to him, staff was using this residential piece as leverage to get what you want because he was a big advocate of mixed use sites. We have another one coming before us later today. But this is the only one they have ever had come before us anywhere that had no conditions whatsoever. It is straight zoning. He did not think a single building in Greensboro could be pointed out to him that has this height differential on it at this close proximity.

Mr. Gilmer said he took a little different view. He thought Mr. Ruska did say this is the first so it probably will not be the last. He would support it because it has the components of a true mixed use and it is a little something different. He said they were here on the small piece of the property and they were designing the building. He would be supporting it from the position of working on the Comp Plan in the past and he believed in mixed use. He thought this was a good piece of property for mixed use.

Mr. Schneider said he was siding with not supporting it primarily because of the height being to close to the single family residential.

Ms. Shipman said she also would be voting in opposition to the request, mainly due to the height of the building and a small buffer between it and the single family residents behind it.

Ms. Miller said she would vote against this as well. She thought a picture was worth a thousand words and the pictures were very compelling to her.

Mr. Schneider said the Greensboro Zoning Commission believes that its action to deny the zoning amendment, located north of West Northwood Street from RS-12 to GB, to be inconsistent with the adopted Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest for the following reasons: It does not implement measures to protect neighborhoods from potential negative impacts of developments that are inconsistent with the neighborhood's livability and reinvestment potential and without conditions, the proposal is not compatible with surrounding properties. Mr. Wright seconded the motion. The Commission voted 8-1 in favor of the motion. (Ayes: Wolf, Collins, Matheny, Miller, Schneider, Shipman, Spangler, Wright. Nays: Gilmer.)

L. DELETED FROM AGENDA.

M. AN ORDINANCE REZONING FROM GENERAL OFFICE MODERATE INTENSITY TO CONDITIONAL DISTRICT - LIMITED BUSINESS WITH THE FOLLOWING CONDITIONS: 1) USES: ALL USES PERMITTED IN LB, EXCEPT LAND CLEARING AND INERT DEBRIS LANDFILLS, JUNKED MOTOR VEHICLES, CONVENIENCE STORE (WITH AND WITHOUT FUEL PUMPS), AND ANY USE REQUIRING DRIVE-THRU SERVICE. 2) ANY NEW BUILDING CONSTRUCTED ON THE PROPERTY WILL BE SUBSTANTIALLY BRICK, STONE OR MASONRY. 3) MAXIMUM HEIGHT OF BUILDING SHALL BE ONE STORY. - FOR A PORTION OF THE PROPERTY LOCATED AT THE SOUTHEAST QUADRANT OF JOAN AVENUE AND TRULL AVENUE - FOR JACK'S HEAVY EQUIPMENT, LLC. (APPROVED)

Mr. Woody presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Chair Wolf opened the public hearing.

Marc Isaacson, Esq., 101 West Friendly Avenue, represented the owner of the property and handed up materials for the Commission's consideration. They had some additional conditions they would like to add to this application. The first three conditions would remain the same. He read into the record Condition No. 4. It would read: 4) Upon demolition of the existing building and construction of a new building on the property, the following condition shall apply: a) Interior pedestrian circulation between the principal buildings and public street shall be provided through the use of clearly defined walkways; b) Maximum of a single bay of parking shall be permitted between the principal building and the streets rights-of-way; c) Buildings shall be oriented toward Joan Avenue; and d) Free standing signage shall be limited to monument type signage. He asked that the additional conditions be incorporated into their rezoning application.

Ms. Shipman moved that the new conditions be incorporated in this rezoning application, seconded by Mr. Matheny. The Commission voted unanimously 9-0 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Matheny, Miller, Schneider, Shipman, Spangler, Wright. Nays: None.)

Mr. Isaacson continued explaining the contents of the materials presented to the Commission. The owner believes that if this rezoning is approved for LB with these conditions, that the prospect for improving this property is significant and he would like to create here a small retail type development with probably two or three small, 1,000 to 1,500 square foot bay retail stores that would serve the immediate area and which they believe would fit in to this area off of Lawndale Drive. This would provide economic development and improvement for this area.

There was no one present to speak in opposition to this request. Chair Wolf closed the public hearing.

Mr. Ruska said they included in the staff report a rather detailed history of the zoning that has taken place with regard to this parcel as well as surrounding parcels in the area. Commercial zoning was placed on the property at one time. Then it subsequently was rezoned to GO-M and they have gone through several uses, including a finance office and now a church. Staff is recommending in favor of this rezoning. LB is compatible with the low residential classification on the plan because LB does provide for neighborhood-serving uses. They probably would not have recommended in favor of this request had the applicant not added the conditions this afternoon.

Ms. Shipman moved approval of Item M. She said the Greensboro Zoning Commission believes that its action to approve the zoning amendment, located on Joan Avenue from GO-M to CD-LB, to be consistent with the adopted Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest for the following reasons: It is generally consistent with the Low Residential land use category indicated for this site on the Connections 2025 Generalized Future Land Use Map; it promotes sound investment in Greensboro's urban areas; and it improves design standards for new development to enhance community appearance. Ms. Miller seconded the motion. The Commission voted unanimously 9-0 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Matheny, Miller, Schneider, Shipman, Spangler, Wright. Nays: None.)

N. AN ORDINANCE REZONING FROM RS-40 RESIDENTIAL SINGLE FAMILY AND CONDITIONAL DISTRICT - PLANNED UNIT DEVELOPMENT ? RESIDENTIAL TO CONDITIONAL DISTRICT - RM-12 RESIDENTIAL MULTIFAMILY WITH THE FOLLOWING CONDITION: 1) USES: CONGREGATE CARE FACILITY. - FOR A PORTION OF THE PROPERTY LOCATED ON THE NORTH SIDE OF OLD BATTLEGROUND AVENUE WEST OF BRANDT RIDGE DRIVE - FOR CURRY BRANDAW ARCHITECTS ON BEHALF OF COLSON & COLSON CONSTRUCTION COMPANY. (APPROVED)

Mr. Woody presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Chair Wolf opened the public hearing.

Michael Fuller with Curry Brandaw Architects, 2601 25th Street, SE, Suite 300, Salem, Oregon,

represented Holiday Retirement, Colson & Colson, developers for this project. They met with some of the neighbors adjacent to this property and have received approval from them. The property owners are here with the broker as well. They are proposing a three-story, 118-suite retirement facility with congregate care. He presented an illustrative rendering. There is a lot of articulation in the building, very residential in scale and will be set back quite a ways from the street and over 60 percent of the site will be landscaped. They have been dealing with the easements; there are some power line easements and gas line easements and the site plan shows the layout of those. They aligned their entrance driveway with Greystone Point. There is parking that wraps around in the back and they have maintained quite a bit of open space. The residents here are 70 to 80 years old. Only about 25 percent of them will have cars. It will have a very low impact on traffic.

In response to a question from Chair Wolf, Mr. Ruska explained that for assisted living facilities, two one bedroom units count as one dwelling unit.

Mr. Fuller said the units themselves do not have kitchens. There is a central kitchen/dining room facility and a lot of services provided. The units themselves are very basic, have a little kitchenette, and a wet bar base is all they have.

There was no one present to speak in opposition to the request. Chair Wolf closed the public hearing.

Mr. Ruska said staff does recommend in favor of this request. Staff feels that this would be a good location for an assisted living facility. They tend to be low traffic generating uses and, as such, they feel this is a great location. Development of this site will have to comply with the Watershed Critical Area and flood Plain regulations of which this site is very challenged. This request is consistent with the moderate residential land use classification on the GFLUM and staff does recommend in favor of it.

Ms. Shipman moved approval for Item N. She said the Greensboro Zoning Commission believes that its action to approve the zoning amendment, located on Old Battleground Road from CD-PDR & RS-40 to CD-RM-12, to be consistent with the adopted connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest for the following reasons: It is generally consistent with the Moderate Residential land use category indicated for this site on the Connections 2025 Generalized Future Land Use Map; it promotes new patterns and intensities of use to enhance quality of life in urban areas; it meets the needs of present and future citizens for a choice of housing in livable neighborhoods that offer quality of life and the necessary array of services and facilities. Mr. Schneider seconded the motion. The Commission voted unanimously 9-0 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Matheny, Miller, Schneider, Shipman, Spangler, Wright. Nays: None.)

O. AN ORDINANCE REZONING FROM RS-12 RESIDENTIAL SINGLE FAMILY TO CONDITIONAL DISTRICT - GENERAL BUSINESS WITH THE FOLLOWING CONDITION: 1) USES: MIXED DEVELOPMENT, AS SET FORTH IN SECTION 30-5-2.59 OF THE GREENSBORO DEVELOPMENT ORDINANCE. - FOR A PORTION OF THE PROPERTY LOCATED ON THE EAST SIDE OF MARTINSVILLE ROAD AND ON THE SOUTH SIDE OF BRAXTON LANE - FOR LAWNSDALE ASSOCIATES, LLC. (QUALIFIED RECOMMENDATION)

Mr. Woody presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Chair Wolf opened the public hearing.

Derek Allen, Esq., 230 North Elm Street, said he would like to read in some proposed conditions.

Chair Wolf asked if Mr. Allen had a copy of the ordinance, which had the development standards listed in it.

Mr. Ruska said probably the most relevant standard is that it does require a mix of uses with non-residential on the ground floor and residential above it. In the staff report, you have a definition of mixed development.

Mr. Allen said the original condition, which says that we are going to be mixed development pursuant to 30-5-2.59 uses Mixed Development as a term of art, which he did not think anyone had ever done in terms of using that as a planning tool. The big things to know about it are it is permitted in GB, HB, SC and CP; it has got to have mixed-uses on a single site and you have to have at least 20 percent non-residential in the principal buildings. The proposed conditions that they are offering up now are the result of two things: One is further discussions with staff and looking at their mixed development materials. The other thing that they have done is met with the neighbors and had continuing dialogue with them so the other conditions that you see here are the result of that. He read those into the record: 2) Interior pedestrian circulation between the principal buildings, and between the principal buildings and public sidewalks, shall be provided through the use of clearly defined walkways. For the purposes of compliance with this condition "walkways" shall not be construed to mean "sidewalks." These walkways may be defined by painted crosshatched areas. 3) All exterior lighting in the parking areas shall be directed towards the interior of the property. 4) There shall be a maximum of thirty-eight (38) residential units. All residential units shall be "for sale" only. 5) There shall be a thirty (30)-foot wide vegetative buffer between the subject property and the residential properties on the southern boundary, consisting of undisturbed vegetation supplemented with additional plantings. The developer shall install a six (6) foot high solid or opaque wooden fence on the northern side of this buffer. In addition, the developer shall plant six (6) foot tall (measured at the time of planting) evergreens, eight (8) feet on center, on the northern side of the wooden fence. 6) Facades/exterior walls shall be articulated with recesses, projections, doors or windows. No uninterrupted length of any facade shall exceed fifty (50) feet. 7) The property will be designed and developed in a unified manner and will incorporate similar and complementary architectural features such as masonry materials and roof materials, planting materials, signage, lighting and paving surfaces. 8) The exterior of the principal buildings shall be primarily brick. 9) All buildings shall be limited to three (3) above ground stories. 10) There shall be a thirty (30) foot wide vegetative buffer on a portion of the eastern boundary of the property, consisting of undisturbed vegetation supplemented with additional plantings, extending from the southern property line to a point 150 feet north of the southern property line. 11) No dumpster shall be located within 150 feet of the southern boundary line of the property. 12) The following uses shall be prohibited on the subject property: Nursing or Convalescent Homes; Psychiatric Hospitals; Automobile Repair Services (Major and Minor); Automobile Towing and Storage Services; Car Washes; Equipment Repairs; Funeral Homes or Crematoriums; Convenience Stores with fuel Pumps; Fuel Sales; Motor Vehicle Sales (new and used); Motorcycle sales; Recreational Vehicle Sales; Service Stations, Gasoline.

Mr. Matheny moved acceptance of the amended conditions as read, seconded by Mr. Gilmer. The Commission voted unanimously 9-0 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Matheny, Miller, Schneider, Shipman, Spangler, Wright. Nays: None.)

Mr. Allen spoke to the Comp Plan Amendment, which in this case is necessitated by the fact that the front half of the property is in the mixed-use commercial designation of the Comp Plan. The back half is still in the single family. In order to bring the whole thing into conformity, they have to submit a Comp Plan Amendment. He gave the history of the property. He presented a letter that they had sent out to the neighbors on the same list that staff used. As a result of that, they received several phone calls, both from their commercial neighbors and from the residential neighbors. They met with the neighbors last week. He explained to them what conditional district zoning was and that the concerns that the neighbors had, they could translate into conditions, place them on the property so that they would be assured that the concerns would be addressed by the developer and that they as residents would not have to worry about enforcing these conditions. The development would never be permitted by the City for anything other than what was put in the conditions. He was informed that the neighbors were okay with these conditions. He talked about their concerns and then talked about the conditions that addressed those concerns. He said there might be additional conditions added at the City Council level since there were other concerns of the neighbors. In short, they have looked at the Comp Plan, specifically infill principles and mixed development principles and think that they have come up with a plan and conditions that match up with it perfectly. The only accesses permitted will be one on Braxton Lane and one on Martinsville and that would be as far south as it could be on the property. There may be other changes made at the TRC level. They feel this is a true mixed development project.

Speaking in opposition was Gordon Turner, 1702 Willowick Drive. He had one problem with the project. He totally supports the plan, but the problem they have at Pisgah Church and Lawndale, as well as Martinsville and Pisgah Church, are two horrendous intersections. Just this past Friday night, they had another major head-on collision there. His main opposition was the additional traffic that would be created, especially where Braxton exits onto Lawndale.

Chair Wolf called for a break from 6:10 to 6:22 p.m.

Also speaking in partial opposition was Cindy Gazard, 2105 Braxton Lane. Her home was on a corner across the street from the Edward Jones building. She was in favor of this project and in the process she wanted to sell her lot. On the other hand, she was concerned with what was going to happen if they run all the traffic in front of her house and she has the only house. She felt certain this would be a great project. She thought they needed to look at the traffic, but she was all for it.

Speaking in rebuttal for the applicant, Mr. Allen wanted to address Mr. Turner's comments about the traffic. He believed that the traffic issues Mr. Turner brought up are properly addressed at TRC and he thought most of the traffic issues Mr. Turner brought up are not things that they can impact. Whether or not they build, those intersections are still at the same level. One interesting point is the traffic issues that exist out there now really underscore the reason that you ought to approve this kind of development. We need to be thinking of this infill-type development, these anti-sprawl measures, in providing this kind of development where people can live, shop and work all in a close proximity.

Speaking in rebuttal for the opposition, Mr. Turner said last year, because of traffic problems, they paid for off-duty police officers to get people in and out of the shopping center. In looking at traffic coming onto Lawndale from Summerfield and Oak Ridge, we are talking about huge growth, Lake Jeanette has huge growth, so it is all coming to that one little area there and it is not really dispersing. The project is great, and they have addressed the exit on Martinsville pretty good. The problem is coming off of Lawndale. It does not meet any specifications whatsoever for a commercial street.

There are three residential lots before you get to this project. There is a cut-through from Pisgah Church, which cuts through the Edward Jones' property, which in the plan he got from the City shows the cut-through going into this new complex. He had been told by everyone that this cannot happen. He felt the City needed to address the traffic study wholeheartedly.

In response to a question from Mr. Gilmer, Ms. Reeves said she believed he was mentioning the access point on the conceptual site plan that they showed out to Pisgah Church Road. She had already discussed that one and GDOT will not approve a driveway there. The approval or denial of a driveway is up to the Director of GDOT or his designee. So that is not something that is a TRC decision, it is strictly a traffic engineering decision and a driveway out to Pisgah Church Road will not be approved. The one on Martinsville will be pushed further south and they would be required to build a left turn lane and the one that they proposed on Braxton Lane will have to meet their standards as well.

Chair Wolf closed the public hearing.

Mr. Ruska said in the staff report that was posted on Thursday morning, staff made a recommendation for a continuance. That was based on some unanswered questions that they had as a result of inadequate time to review the TIS that was delivered to Ms. Reeves on Wednesday as well as to a minor extent additional conditions, which staff was expecting would come forth and which they did not receive until Friday. Now that staff has received both, Ms. Reeves has had a chance to look at the TIS. Staff is going to recommend in favor of this rezoning with a qualified approval and that is that the mitigation measures addressed in the TIS are actually implemented. As far as the additional conditions go, they are the type of conditions that staff was looking for all along, but they understand that Mr. Allen had to discuss those conditions with the neighborhood and receive the neighborhood's input and suggestions as well. With that qualification, staff does recommend in favor of this. A portion of the site is already indicated as mixed use commercial on the GFLUM. The Pisgah Church/Lee's Chapel Corridor Study identified the Lawndale/Pisgah Church area as a commercial node that should continue to function. This is the second true vertical mixed use development that we have seen and staff is very supportive of this type of project because of the Comp Plan.

Mr. Matheny said this was a great plan. It was a little bit different than the one we saw earlier. The buffers, the 30-feet, the height of the building he did think were perfect. When he looks at the traffic, in his position here he would look at, "Is this application correct for that land use?" He does believe it is. So at this time, he would just like to say the Greensboro Zoning Commission believes that its action to approve the zoning amendment, located on Martinsville Road and Braxton Lane from RS-12 to CD-GB, to be consistent with the adopted Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest for the following reasons: It is generally consistent with the Mixed Use Commercial land use category indicated for a portion of this site on the Connections 2025 Generalized Future Land Use map; it promotes sound investment in Greensboro's urban areas; and it promotes new patterns and intensities of use to enhance quality of life in urban areas. Mr. Gilmer seconded the motion. The Commission voted unanimously 9-0 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Matheny, Miller, Schneider, Spangler, Wright. Nays: None.)

ITEMS FROM THE ZONING COMMISSION MEMBERS:

Chair Wolf said they had a few housekeeping items. First, he wanted to point out that Ms. Cyndy Hayworth had been present the entire meeting. She is his replacement starting in September. Since

this is his last meeting, there will be elections for a new Chairman and Vice Chairman. Historically, the current Vice Chairman usually moves up to Chairman. He asked for a motion with respect to Mr. Collins.

Mr. Matheny moved to appoint Tony Collins Chair of the Zoning Commission, seconded by Ms. Shipman. The Commission voted 8-0-1 in favor of the motion. (Ayes: Wolf, Gilmer, Matheny, Miller, Schneider, Shipman, Spangler, Wright. Nays: None. Abstain: Collins.)

Chair Wolf said as his last act, he was going to use his discretion and nominate Paul Gilmer as Vice Chairman. Mr. Schneider seconded the motion. The Commission voted 8-0-1 in favor of the motion. (Ayes: Wolf, Collins, Matheny, Miller, Schneider, Shipman, Spangler, Wright. Nays: None. Abstain: Gilmer.)

Mr. Collins said to Chair Wolf that he had provided great leadership for this Commission. He knew that Chair Wolf had served six years here and before that on the Board of Adjustment for six years. He said that everybody that he served with has learned from him and he has been a good balance. He always wants to get to the right answer and he thought Chair Wolf had taught them a lot and he would be missed.

Chair Wolf said it had been a pleasure serving on this Commission. He had thoroughly enjoyed it. Mr. Gilmer said he also enjoyed working with Chair Wolf and it does bring some balance to the Commission. He thought Chair Wolf treated everybody fairly and everyone had a lot of respect for the Chair and he too learned a lot from Chair Wolf also. Again he said "thank you" and he thought the Zoning Commission was in much better position since he was the Chairman.

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There being no further business before the Commission, the meeting was adjourned at 6:38 p.m.

Respectfully submitted,

Bill Ruska, Zoning Administrator

BR/jd.ps